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Agenda item 4

Resolution adopted by the Human Rights Council on 28 September 2018

39/14. Situation of human rights in Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015, 33/24 of 30 September 2016, 36/2 of 28 September 2017 and 36/19 of 29 September 2017,

Recalling Security Council resolutions 2248 (2015) of 12 November 2015, 2279 (2016) of 1 April 2016 and 2303 (2016) of 29 July 2016,

Reaffirming that States have the primary responsibility to respect, protect and fulfil all human rights and fundamental freedoms,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population in compliance with the rule of law, human rights law and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and national unity of Burundi,

Recalling the Arusha Peace and Reconciliation Agreement for Burundi, which provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy, good governance, pluralism and the rule of law,

Considering that the international community, including the Human Rights Council, can play a relevant role in preventing human rights violations and abuses and in mitigating the risk of escalation of conflict and deterioration in humanitarian situations,

Noting the constitutional referendum of 17 May 2018, which was held in a climate of intimidation and repression,

Welcoming the announcement of the President of Burundi not to run in the presidential election in 2020 as an encouraging sign contributing to opening up public and democratic space ahead of the election and to attaining a rule-based change of power,

Welcoming also the efforts of the facilitator for the inter-Burundi dialogue led by the East African Community, President Benjamin William Mkapa, and the mediator, President Yoweri Museveni, and the renewed commitment expressed by the Heads of State at the nineteenth ordinary summit of the East African Community on 23 February 2018 to a peaceful resolution of the political situation in Burundi by opening up political space and through inclusive dialogue based on the principles of the Arusha Agreement, notably ahead of the presidential election in 2020,

Noting with appreciation the repeated efforts made by the international community, including those by the African Union, the East African Community, the African Commission on Human and Peoples' Rights, the Peacebuilding Commission, the Special Envoy of the Secretary-General for Burundi and the European Union, to find a peaceful, consensual and long-lasting solution to the current crisis,

Taking note of the report of the Secretary-General on the situation in Burundi[1] and the observations and recommendations contained therein, including those on the need to convene an inclusive dialogue and to re-establish cooperation with United Nations human rights mechanisms,

Recalling the statement made by the President of the Security Council on 5 April 2018[2] and Council press statement of 22 August 2018, in which the members of the Council voiced their deep concern at the political situation in Burundi, the slow progress of the inter-Burundian dialogue and the lack of engagement by the Government of Burundi in that process, while expressing alarm at the continuously worrying human rights and humanitarian situation, in particular regarding fundamental freedoms, and recalled the commitments made by the Government during the thirty-sixth session of the Human Rights Council to re-establish full mutual cooperation with the Office of the United Nations High Commissioner in Bujumbura and to accept the visit of a team of three experts from the Office of the High Commissioner,

Recalling also resolution 396 on the human rights situation in Burundi, adopted by the African Commission on Human and Peoples' Rights at its sixty-second ordinary session, held from 25 April to 9 May 2018, in which it called upon the Government of Burundi to conduct without delay transparent and impartial investigations against all those responsible for human rights violations and abuses in order to bring the perpetrators to justice,

Welcoming the work of the Commission of Inquiry on Burundi, including its recent report,[3] and deploring the continued refusal by the Government of Burundi to cooperate with the Commission by, inter alia, denying it access to the country,

Deploring the decision by the Government of Burundi to declare the three members of the Commission of Inquiry on Burundi persona non grata in retaliation for the report presented by the Commission to the Human Rights Council at its thirty-ninth session,[3] and urging the Government to reconsider and revoke its decision,

Deploring also the threats, intimidation and personal attacks being directed by representatives of the Government of Burundi against the members of the Commission of Inquiry, including during the interactive dialogues held by the Human Rights Council and the Third Committee,

Deploring further the lack of follow-up by the Government of Burundi on the recommendations made the Commission of Inquiry in its previous report,[4]

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[1] S/2018/89.

[2] S/PRST/2018/7.

[3] A/HRC/39/63.

[4] A/HRC/36/54 and Corr.1.

Noting the downgrading of the accreditation of the Independent National Human Rights Commission of Burundi from A to B status as of 21 February 2018, and encouraging the State and the Commission to address the recommendations made by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions with regard to facilitating the reinstatement of A status accreditation, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),

Regretting the refusal by the Government of Burundi to cooperate fully in the implementation of Human Rights Council resolution 36/2, initiated by the African Group, by cancelling the visas of experts being deployed to the country,

1. *Condemns in the strongest terms* all acts of violence committed in Burundi by all parties or individuals, including the appalling attack against civilians perpetrated in Ruhagarika on 11 May 2018, and expresses deep concern at the continuously worrying human rights and humanitarian situation in Burundi, which particularly affects women and children;

2. *Strongly condemns* all human rights violations and abuses that persist in Burundi, particularly those involving extrajudicial killing, enforced disappearance, arbitrary arrest and detention, cases of torture, and other ill-treatment, sexual or gender-based violence, persecution of members of civil society, journalists and bloggers, members of the political opposition and demonstrators, and restrictions on the freedoms of expression, peaceful assembly and association, contributing to a climate of intimidation among the population;

3. *Expresses grave concern* at the findings of the Commission of Inquiry on Burundi with regard to the increased number of human rights violations and abuses committed by the Burundian defence and security forces, including the national intelligence service, the police and the armed forces and the Imbonerakure, the youth wing of the ruling party, in a climate of widespread impunity, while providing reasonable grounds to believe that some human rights violations may constitute crimes against humanity, as first found by the Commission of Inquiry with regard to the events of 2015 and 2016 in its report;[4]

4. *Expresses particular concern* at the growing role of the Imbonerakure, which the Commission of Inquiry found was being used as a substitute for law enforcement, particularly in the interior of the country, and in this context notes the possible responsibility of the Government of Burundi for the wrongful acts by the Imbonerakure;

5. *Condemns* the practice of widespread impunity for all human rights violations and abuses and related crimes, while noting that the few investigations launched by the Government of Burundi have not yielded any credible or tangible results, and reaffirms its call upon the Burundian authorities to conduct full, impartial, independent, effective and thorough investigations into serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held to account before a court and all victims are allowed access to effective remedy and adequate reparation;

6. *Strongly urges* the Government of Burundi to give due consideration to the recommendations made by the Commission of Inquiry in its reports, and to implement them as appropriate;

7. *Strongly condemns* all statements made inside and outside the country that incite to discrimination, hate, violence or segregation against Burundian citizens, including civil society actors;

8. *Expresses concern* at the deregistration and continued suspension of a number of civil society organizations and political groups in Burundi, and at the intimidation, harassment, arbitrary arrest and criminalization of human rights defenders, most of whom have been forced into exile, and urges the Government of Burundi to ensure a safe and enabling operating environment for human rights defenders and civil society organizations to permit all media outlets to resume their activities free from harassment, intimidation or bullying, and to release all human rights defenders who have been arbitrarily sentenced;

9. *Welcomes* the announcement made by Burundian authorities earlier in 2018 of the release of more than 2,000 prisoners following the presidential pardon granted on 31 December 2017, and calls upon the Government of Burundi to release all those who have been arbitrarily arrested and are still being detained;

10. *Urges* the Government of Burundi to put an immediate end to all human rights violations and abuses to ensure the safety, physical integrity and protection of its population, while fully adhering to international human rights and humanitarian law, to respect, protect and fulfil all human rights and fundamental freedoms for all, including freedom of expression, to promote the rule of law and to ensure accountability for those who have committed unlawful acts of violence;

11. *Calls upon* the Government of Burundi to follow up on and implement the recommendations accepted by the State in the context of its universal periodic review on 18 January 2018 and at its two previous reviews and to, inter alia, take the measures necessary to ensure that the Independent National Human Rights Commission fully complies with the Paris Principles;

12. *Notes* the opening in April 2016 by the Prosecutor of the International Criminal Court of an investigation effective as of 25 October 2017 following the finding made by the Pre-Trial Chamber that the supporting materials presented by the Prosecutor constituted a reasonable basis to proceed with an investigation in relation to crimes against humanity allegedly committed since at least 26 April 2015 by State agents and other groups, such as the Imbonerakure, implementing State policies, and stresses the relevance of the findings and the evidence collected by the Commission of Inquiry to international accountability mechanisms;

13. *Calls upon* the Government of Burundi to cooperate fully with the International Criminal Court in relation to the investigation that was authorized and initiated before the withdrawal of Burundi from the Rome Statute came into force;

14. *Deplores* the continued suspension of cooperation with the Office of the United Nations High Commissioner for Human Rights, underlines the need to enable the Office of the High Commissioner to fulfil its mandate and to resume its activities, including its monitoring and reporting functions, with full access to persons and locations, and urges the Government of Burundi promptly to finalize the agreement with the Office without undue conditions or further delays;

15. *Urges* the Government of Burundi to cooperate fully with the treaty bodies, to allow special procedure mandate holders to visit the country and to stop any reprisal against human rights defenders who are cooperating with international human rights mechanisms, including the Human Rights Council;

16. *Welcomes* the work of the African Union human rights observers in Burundi and reiterates its urgent call upon the Government of Burundi to sign without further delay the memorandum of understanding with the African Union, which will allow the human rights observers and military experts of the African Union to operate fully in the country in fulfilment of their mandated responsibilities;

17. *Recalls* that all States Members of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights and fundamental freedoms, notes the importance of cooperation with international and regional human rights mechanisms as part of those efforts, and deplores the lack of respect shown by the Government of Burundi for those standards;

18. *Encourages* the Government of Burundi to cooperate, without preconditions, with the regionally led mediation efforts to create conditions for an inclusive and genuine inter-Burundian dialogue that ensures the participation of women and involves all relevant stakeholders, including civil society representatives, from both inside and outside the country;

19. *Calls upon* the Burundian authorities to ensure equitable political processes and to enable a safe and open environment that is conducive to the holding of inclusive and transparent democratic elections in accordance with international democratic standards;

20. *Expresses its deep concern* at the difficult situation of Burundians who have fled the country, including of the nearly 400,000 Burundians who are currently settled in five neighbouring countries, underlines the importance of upholding the voluntary nature of return, calls upon Governments in the region to continue their efforts with a view to ensuring that those returns are voluntary, based on informed decisions and in safety and dignity, and welcomes the efforts of neighbouring countries and the international community to provide humanitarian support to those persons;

21. *Requests* the Commission of Inquiry on Burundi to share its report[3] and recommendations with the African Union and all relevant organs of the United Nations for their consideration;

22. *Decides* to extend the mandate of the Commission of Inquiry on Burundi in order for it to deepen its investigations until it presents a final report to the Human Rights Council during an interactive dialogue at its forty-second session and to the General Assembly at its seventy-fourth session, and requests the Commission to present an oral briefing to the Council at its fortieth and forty-first sessions during an interactive dialogue;

23. *Urges* the Government of Burundi to cooperate fully with the Commission of Inquiry, to authorize it to conduct country visits and to provide it with all the information necessary to properly fulfil its mandate;

24. *Requests* the Office of the High Commissioner to provide all the resources necessary to the Commission of Inquiry to allow it to fulfil its mandate properly;

25. *Decides* to remain seized of the matter.

40th meeting
28 September 2018

[Adopted by a recorded vote of 23 to 7, with 17 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Croatia, Ecuador, Germany, Hungary, Iceland, Japan, Mexico, Mongolia, Panama, Peru, Republic of Korea, Rwanda, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Arab Emirates,[5] United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Democratic Republic of the Congo, Egypt, Saudi Arabia, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Côte d'Ivoire, Ethiopia, Georgia, Iraq, Kenya, Kyrgyzstan, Nepal, Nigeria, Pakistan, Philippines, Qatar, Senegal, South Africa, Togo, Tunisia]

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[5] The representative of the United Arab Emirates subsequently stated that there had been an error in the delegation's vote and that it had intended to vote against.

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Resolution adopted by the Human Rights Council on 28 September 2018

39/15. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Reaffirming its previous resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave situation of human rights across the Syrian Arab Republic,

Condemning also the indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, and recalling the obligation of all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as schools, as well as medical facilities, and the prohibition on attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Expressing deep concern at the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, and in accordance with the Geneva communiqué of 30 June 2012 and Security Council resolutions 2118 (2013) of 27 September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance and supporting the Special Envoy of the Secretary-General for Syria is his efforts towards this end,

Recalling Security Council resolution 2336 (2016) of 31 December 2016, and stressing the urgent need to respect the de-escalation area of Idlib, acknowledging the signing of the memorandum by Turkey and the Russian Federation on the stabilization of the situation in the Idlib de-escalation area, emphasizing the need for a comprehensive nationwide ceasefire, and also emphasizing that humanitarian access must be part of such efforts,

Recalling also that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014, 2268 (2016) of 26 February 2016 and 2401 (2018) of 24 February 2018, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel, may amount to war crimes,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any use of chemical weapons must be held accountable, regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism was not renewed, and welcoming that the Organisation will put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic,

Bearing in mind that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,[1] and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its eighth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to renew their efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting future accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

[1] A/HRC/39/65.

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the continued use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of starvation and siege directed against civilian populations as a method of warfare, and stresses the particular situation of concern in Idlib, where increasing violence and airstrikes continue to cause death and injury among civilians;

7. *Urges* an immediate end to the violence in Idlib, and respect of the de-escalation area, in order to prevent further death and injury among civilians and damage to civilian objects, as well as to avoid a potential humanitarian catastrophe;

8. *Strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

9. *Also strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores, in particular, the impact of the denial of humanitarian access on their lives and well-being;

10. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their State and non-State allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

11. *Expresses deep concern* at the finding of the Commission of Inquiry that tactics used in the recapturing of the besieged area of eastern Ghutah amounted to war crimes and crimes against humanity;

12. *Also expresses deep concern* about the human rights situation and humanitarian access in areas that have recently come under the control of the Syrian authorities, and urges them and their allies to ensure humanitarian access and respect for international human rights law and international humanitarian law;

13. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, and that women and girls have been disproportionately affected and victimized on multiple grounds;

14. *Notes* the findings of the Commission of Inquiry that such acts of sexual and gender-based violence were committed most commonly by Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh), that they form part of a widespread and systematic attack directed against a civilian population, amounting to crimes against humanity, and that, after February 2012, these acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

15. *Strongly condemns* all acts of such sexual and gender-based violence, calls for immediate medical and psychosocial support to be provided to the survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to heed the recommendations made by the Commission of Inquiry;

16. *Takes note* of the recent publication of the Commission of Inquiry, *Detention in the Syrian Arab Republic: A Way Forward*, in which the Commission highlighted the fact that the arbitrary detention of tens of thousands of individuals, particularly by the Syrian authorities and affiliated militias, represents an urgent and large-scale crisis of human rights protection;

17. *Notes* the commencement of the functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, underlines the need for concrete steps forward on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

18. *Strongly condemns* the continued widespread practices of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced by the Commission of Inquiry in its reports of and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

19. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

20. *Strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

21. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end arbitrary detention, torture and sexual and gender-based violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;

22. *Urges* all parties to take heed of the recent recommendations on the issue of detainees by the Commission of Inquiry,[2] in particular the calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees and to provide information on those they have detained to their families;

23. *Recalls with serious concern* the findings of the Commission of Inquiry in its report *Out of Sight, Out of Mind, Deaths in Detention in the Syrian Arab Republic*, notes in this regard the recent issuing of death notifications of detained individuals by the Syrian authorities, which provides further indication of systematic violations of international human rights law and international humanitarian law, urges them to provide families with the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and

[2] A/HRC/37/72.

rights of all persons currently detained or unaccounted for, and to clarify the fate of those who remain missing or are still in custody;

24. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

25. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

26. *Expresses deep concern* at the situation of the 6.5 million internally displaced persons across the Syrian Arab Republic, takes note with concern in this regard of the latest report of the Commission of Inquiry,[1] and urges all parties to take note of its recommendations on this matter and to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

27. *Deplores* the existence and application of national legislation, in particular Law No. 10/2018, which would have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property and to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calls for its immediate repeal;

28. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary, safe and dignified and subject to informed consent to the places of origin and protect all property and tenancy rights;

29. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

30. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

31. *Further strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

32. *Expresses deep concern* about the documented cases of civilians, including women and children, being taken hostage by the so-called Islamic State in Iraq and the Levant (Daesh), calls for their immediate release, and notes that hostage-taking may constitute a war crime;

33. *Condemns in the strongest possible terms* the continued use of chemical weapons by the Syrian authorities, in violation of its obligations under the Chemical Weapons Convention and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use, and welcomes in this regard the decision made on 27 June 2018 at the fourth

Special Session of the Conference of the States Parties to the Chemical Weapons Convention and looks forward to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons putting in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons;

34. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which it found the Syrian authorities responsible for the use of chemical weapons on four occasions, and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

35. *Expresses grave concern* at the findings by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

36. *Also expresses grave concern* at the reported chemical weapons attack in Douma on 7 April 2018, and looks forward to the final findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

37. *Further expresses grave concern* that, in its latest report,[1] the Commission of Inquiry stated that a vast body of evidence suggested that chlorine had been dropped by helicopter on a residential building and that it had received information on the death of at least 49 individuals and the wounding of up to 650 others in Douma on 7 April 2018, and at the findings of the Commission in the same report that, in a series of ground attacks in Douma on 22 January and 1 February 2018, the Syrian authorities and/or affiliated militias had committed the war crime of using prohibited weapons, following a pattern previously documented by the Commission concerning the use of chemical weapons;

38. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017, March 2018 and July 2018, in which it reported that it had been unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

39. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable and expresses its support in this regard for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

40. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and stresses the prerequisite role that accountability can play in any efforts to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

41. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which a State is unwilling or unable to genuinely carry out investigations or prosecutions;

42. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, while noting the important role that the International Criminal Court can play in this regard;

43. *Welcomes* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, as mandated by the General Assembly in resolution 71/248 of 21 December 2016, including its close cooperation with the Commission of Inquiry and Syrian civil society, so that the voices of victims are heard, any evidence of crimes is collected and criminal prosecution proceeds;

44. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate, multiannual, financial means for its functioning;

45. *Deplores* the grave humanitarian situation in the Syrian Arab Republic and expresses deep concern at the plight of the approximately 1.5 million Syrians living in hard-to-reach areas in the country, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

46. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

47. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach areas, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

48. *Expresses deep concern* for the more than 5.6 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries, Turkey, Lebanon, Jordan and Iraq, as well as of Egypt, to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, including the particular needs of women and girls, while emphasizing the principles of responsibility and burden-sharing;

49. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

50. *Welcomes* the relevant international conferences on supporting the Syrian people, notably the second conference entitled "Supporting the future of Syria and the region" hosted by the European Union in Brussels on 24 and 25 April 2018, and renews its call for the international community to deliver in full all pledges;

51. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva and with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, religion or ethnicity, and welcomes the inclusion of civil society in this process;

52. *Decides* to remain seized of the matter.

40th meeting
28 September 2018

[Adopted by a recorded vote of 27 to 4, with 16 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Ecuador, Georgia, Germany, Hungary, Iceland, Japan, Mexico, Panama, Peru, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Philippines, Senegal, South Africa, Tunisia]

United Nations A/HRC/RES/39/16

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Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 2

Resolution adopted by the Human Rights Council on 28 September 2018

39/16. Human rights situation in Yemen

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016 and 36/31 of 29 September 2017,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Welcoming the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new constitution,

Welcoming also the positive engagement of the Government of Yemen in the peace talks and its handling of the proposals made by the Special Envoy of the Secretary-General for Yemen, Martin Griffiths, and encouraging it to continue its efforts to achieve peace and stability in Yemen,

Reiterating its strong support for the ongoing efforts of the Secretary-General and his Special Envoy to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts and to fully and immediately implement all provisions of relevant Security Council resolutions,

Taking note of the statement made by the President of the Security Council on 15 March 2018 on Yemen,[1]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of and the full respect for international human rights law and international humanitarian law in armed conflicts,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and calling upon the parties to the conflict to ensure that humanitarian aid is facilitated and not hindered,

Concerned by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and the harassment of and attacks against journalists and human rights defenders, including women human rights defenders,

Underlining the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the human rights situation in Yemen,

Recalling the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights, and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of the fourth and fifth reports by the National Commission of Inquiry in January and August 2018,

Noting the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution office and judiciary to complete judicial proceedings, to achieve justice and hold those responsible for abuses and violations accountable as soon as possible,

Noting also the work carried out by the Joint Incidents Assessment Team,

Taking note of the report of the High Commissioner containing the findings of the Group of Eminent International and Regional Experts and a summary of the technical assistance provided by the Office of the High Commissioner to the National Commission of Inquiry,[2]

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, and emphasizes the importance of accountability;

[1] S/PRST/2018/5.
[2] A/HRC/39/43.

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under applicable international human rights law and international humanitarian law, and in particular with regard to attacks against civilians and civilian objects, and to ensure humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process;

4. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[3]

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

6. *Emphasizes* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

7. *Calls upon* all parties to immediately release all Baha'i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected;

8. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that situation, and for their pledges to provide financial support for the Yemen humanitarian response plan for 2018;

9. *Invites* all bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate, and the intensification of its work according to presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and

[3] A/72/361-S/2017/821.

abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

12. *Decides* to extend the mandate of the Group of Eminent International and Regional Experts for a further period of one year, renewable as authorized by the Human Rights Council;

13. *Requests* the Group of Eminent International and Regional Experts to submit a comprehensive written report to the High Commissioner for presentation to the Human Rights Council at its forty-second session, to be followed by an interactive dialogue;

14. *Encourages* all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the Group of Eminent International and Regional Experts;

15. *Requests* the Secretary-General and the High Commissioner to continue to provide the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

16. *Requests* the High Commissioner also to continue to provide substantive capacity-building, technical assistance and advice and legal support to enable the National Commission of Inquiry to complete its investigatory work, including to ensure that the National Commission investigates allegations of violations and abuses committed by all parties in Yemen and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. (50) of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

17. *Also requests* the High Commissioner to present to the Human Rights Council, at its fortieth session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution, and to present to the Council at its forty-second session a written report on the situation of human rights, including violations and abuses committed since September 2014, as well as on the implementation of technical assistance as stipulated in the present resolution.

41st meeting
28 September 2018

[Adopted by a recorded vote of 21 to 8, with 18 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Brazil, Chile, Côte d'Ivoire, Croatia, Ecuador, Germany, Hungary, Iceland, Mexico, Panama, Peru, Qatar, Republic of Korea, Slovakia, Slovenia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Egypt, Pakistan, Saudi Arabia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Democratic Republic of the Congo, Ethiopia, Georgia, Iraq, Japan, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Philippines, Rwanda, Senegal, South Africa, Togo, Tunisia]

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10–28 September 2018
Agenda item 8

Resolution adopted by the Human Rights Council on 28 September 2018

39/17. National human rights institutions

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, and other relevant instruments,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling all relevant resolutions of the Human Rights Council, the General Assembly and the Commission on Human Rights on national institutions for the promotion and protection of human rights, including most recently Council resolution 33/15 of 29 September 2016 and Assembly resolution 72/181 of 19 December 2017,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda and pledged that no one would be left behind,

Recalling further General Assembly resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development,

Recalling that the 2030 Agenda for Sustainable Development is guided by the purposes and principles of the Charter, grounded in the Universal Declaration of Human Rights, international human rights treaties, the United Nations Millennium Declaration and the 2005 World Summit Outcome, and informed by other instruments, such as the Declaration on the Right to Development, and recognizing, inter alia, the need to build peaceful, just and inclusive societies that provide equal access to justice and are based on respect for all human rights, effective rule of law and good governance at all levels and transparent, effective and accountable institutions,

Welcoming the twenty-fifth anniversary of the Vienna Declaration and Programme of Action, and reaffirming its statement of the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities, and their role in preventing, remedying and assisting victims to find remedies to

human rights violations and abuses, in the dissemination of human rights information, and education in human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and welcoming the twenty-fifth anniversary of the adoption of the Paris Principles and of the establishment of the Global Alliance of National Human Rights Institutions,

Reaffirming the importance of, and welcoming the rapidly growing interest throughout the world in, establishing and strengthening independent, pluralistic national human rights institutions in accordance with the Paris Principles,

Reaffirming also the important role that such national human rights institutions play, and will continue to play, in promoting and protecting human rights and fundamental freedoms, strengthening participation, in particular of civil society organizations, promoting the rule of law, developing and enhancing public awareness of those rights and fundamental freedoms, and contributing to the prevention of human rights violations and abuses,

Encouraging greater efforts to investigate and respond to increasing reports of cases of reprisal against national human rights institutions, their members and staff, and those who cooperate or seek to cooperate with them,

Recognizing the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms,

Commending the important work of the Global Alliance of National Human Rights Institutions, the Office of the United Nations High Commissioner for Human Rights and regional networks of national human rights institutions, including the Network of African National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the European Network of National Human Rights Institutions, in support of the development and strengthening of independent and effective national human rights institutions compliant with the Paris Principles,

Welcoming efforts to strengthen United Nations system-wide coordination in support of national human rights institutions and their networks, including the establishment of the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions,[1] and recognizing the potential for further cooperation in this regard between United Nations mechanisms and processes and with national human rights institutions,

Welcoming also the valuable participation and contribution of national human rights institutions and their networks, including their contribution to national mechanisms for reporting and follow-up, and with regard to follow-up to recommendations and relevant United Nations mechanisms and processes, in accordance with their respective mandates, including the Human Rights Council and its universal periodic review mechanism and the special procedures, the treaty bodies, the Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Permanent Forum on Indigenous Issues, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing, and their continuing efforts in support of the 2030 Agenda, and encouraging further efforts in this regard,

Reaffirming that, as the 2030 Agenda for Sustainable Development recognizes, eradicating poverty in all its forms and dimensions, combating inequality within and among countries, preserving the planet, creating sustained, inclusive and sustainable economic growth and fostering social inclusion are linked to each other and interdependent,

[1] General Assembly resolution 70/163, para. 19.

Stressing that the effective participation of all individuals in national, political, cultural, religious, economic and social processes in their societies is crucial to their full and equal enjoyment of all human rights,

Bearing in mind that the promotion and upholding of tolerance, respect, pluralism and diversity are essential for the promotion and protection of human rights in multicultural contexts and, in particular, for combating racism, racial discrimination, xenophobia and related intolerance,

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing, and recognizing that the 2030 Agenda pledges to leave no one behind and envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination,

Recognizing the importance of the independent voice of national human rights institutions in promoting and protecting all human rights, including, in accordance with their mandates, economic, social, cultural, civil and political rights, particularly in the context of the implementation of the 2030 Agenda, which seeks to realize the human rights of all,

Welcoming the Mérida Declaration on the Role of National Human Rights Institutions in Implementing the 2030 Agenda for Sustainable Development, noting that the implementation of the 2030 Agenda is a priority under the current Strategic Plan of the Global Alliance of National Human Rights Institutions, and acknowledging the efforts national human rights institutions are making to connect their work, in accordance with their respective mandates, to the implementation of the 2030 Agenda,

1. *Welcomes* the most recent reports of the Secretary-General submitted to the Human Rights Council on national human rights institutions[2] and on the activities of the Global Alliance of National Human Rights Institutions in accrediting national human rights institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);[3]

2. *Encourages* Member States to establish effective, independent and pluralistic national human rights institutions or, where they already exist, to strengthen them to enable the effective fulfilment of their mandate to promote and protect human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

3. *Stresses* the importance of the financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

4. *Also stresses* that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations, and calls upon States to promptly and thoroughly investigate cases of alleged reprisal or intimidation against members or staff of national human rights institutions or against individuals who cooperate or seek to cooperate with them and to bring perpetrators to justice;

5. *Encourages* national human rights institutions that are compliant with the Paris Principles to continue to participate in and contribute to, including where relevant by providing parallel reports and other information, the work of the Human Rights Council and its universal periodic review mechanism, the special procedures and the treaty bodies,

[2] A/HRC/39/20.
[3] A/HRC/39/21.

and all other relevant United Nations forums, and also encourages all relevant United Nations mechanisms and processes, including in the discussions on the implementation of the 2030 Agenda for Sustainable Development and its high-level political forum, to strengthen the independent participation of national human rights institutions compliant with the Paris Principles, in accordance with their respective mandates;

6. *Welcomes* the important role of the Global Alliance of National Human Rights Institutions, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting States and national institutions, when requested, to strengthen national human rights institutions in accordance with such principles, also welcomes the continuing number of national institutions seeking accreditation status through the Global Alliance, and encourages relevant national institutions, including ombudsman institutions, to seek accreditation status;

7. *Encourages* the Secretary-General and all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes, working within their respective mandates, to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions, to work with Member States and national human rights institutions in the protection and promotion of human rights, and to strengthen United Nations system-wide coordination in support of national human rights institutions;

8. *Recognizes* the contribution that national human rights institutions have made to the promotion and protection, and prevention of violations, of human rights by exercising their mandates and functions consistent with the Paris Principles, and encourages them to continue to do so, including by:

(a) Independently assisting, advising and engaging with the State, and other stakeholders, in the prevention of violations and abuses of human rights;

(b) Encouraging the ratification, and ensuring the implementation, of international human rights treaties;

(c) Promoting legal, policy and procedural reforms, including to promote and ensure the harmonization of national laws and practices with the international human rights instruments to which a State is a party, and their effective implementation;

(d) Cooperating with the United Nations system, including by contributing, as appropriate, to follow-up actions to the recommendations made by international human rights mechanisms;

(e) Conducting and promoting practical and relevant human rights training and education, and raising public awareness and advocacy about the promotion and protection of human rights and efforts to combat all forms of discrimination;

(f) Working with non-governmental organizations devoted to promoting and protecting human rights and economic and social development, combating racism and protecting groups subject to particular vulnerabilities, marginalization or intersecting forms of discrimination, or specialized areas;

(g) Preparing and publicizing reports on the national situation with regard to human rights, drawing the attention of the Government to situations in any part of the country in which human rights are violated, making proposals to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(h) Supporting transparent and meaningful engagement by States in regional and international human rights forums by making contributions, in accordance with their independent mandates, to the reports that States are required to submit to United Nations bodies and committees and to regional institutions pursuant to their treaty obligations;

9. *Acknowledges* that, in the performance of their key functions, in accordance with their mandates and with the Paris Principles, national human rights institutions are

supporting the establishment and maintenance of inclusive societies, and in doing so can contribute to the implementation of the 2030 Agenda, including by:

(a) Assisting States to adopt effective frameworks to promote and protect human rights, which are applied equally to protect the rights of all individuals, without discrimination on any grounds, including race, colour, gender, age, disability, language, religion, political or other opinion, national or social origin, property, birth or other status;

(b) Contributing to building the capacity of States to prevent and reduce discrimination and violence through effective national-level legislation, regulation, policies and programmes, including those that guarantee equal access, rights and opportunities for all, including equal access to justice and participatory decision-making;

(c) Contributing to the progressive realization of economic, social and cultural rights for all;

(d) Contributing to the elimination of all forms of discrimination against women and gender-based violence;

(e) Contributing to the fight against racism, racial discrimination, xenophobia and other related intolerance, all forms of hate speech, and religious intolerance and its manifestations, including hate crimes and incitement to hatred, and fostering cohesive societies that respect and celebrate diversity and multiculturalism;

(f) Contributing to addressing multiple and intersecting forms of discrimination that can increase the vulnerability to violence and discrimination of persons with disabilities, indigenous peoples, refugees and migrants, persons who are socioeconomically disadvantaged, persons belonging to national or ethnic, religious and linguistic minorities, and other individuals in vulnerable situations or belonging to marginalized groups;

(g) Working with businesses to fulfil their responsibility to respect human rights in accordance with human rights law, and to support initiatives aimed at protecting victims of human rights abuses, including through the dissemination and implementation of the Guiding Principles on Business and Human Rights;

10. *Encourages* all States and national human rights institutions to continue to take appropriate steps to maintain a legislative or policy framework compliant with the Paris Principles, and to promote cooperation, the exchange of information, the sharing of experience and the dissemination of best practices concerning the establishment and effective operation of national human rights institutions, including their contribution to the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda;

11. *Invites* national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments;

12. *Requests* the Office of the High Commissioner to continue and to strengthen its work with national human rights institutions, including through technical cooperation, capacity-building activities and advice, urges the High Commissioner to ensure that appropriate arrangements are made and budgetary resources are provided to continue and further extend activities in support of national human rights institutions, including through increased support for the work of the Global Alliance of National Human Rights Institutions and its regional networks, and invites Governments to contribute additional voluntary funds to that end;

13. *Also requests* the Office of the High Commissioner to convene, in close coordination with the Global Alliance of National Human Rights Institutions, on the margins of the 2019 annual meeting of the Global Alliance, an intersessional, half-day consultation, open to all States, national human rights institutions, civil society organizations and other relevant stakeholders, with the objective of exchanging the experiences and practices of national human rights institutions in working to support the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda, and further requests the Office of the High Commissioner to submit to the Human Rights Council, at its forty-first session, a summary report on the consultation;

14. *Requests* the Secretary-General to submit to the Human Rights Council, at its forty-fifth session, a report on the implementation of the present resolution that includes examples of best practices among national human rights institutions, and a report on the activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the Paris Principles.

41st meeting
28 September 2018

[Adopted without a vote.]

United Nations A/HRC/RES/39/18

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Resolution adopted by the Human Rights Council on 28 September 2018

39/18. Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

Recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violations and to comply with their human rights obligations, for the benefit of all human beings,

Bearing in mind the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Recalling all relevant resolutions of the Human Rights Council on the enhancement of technical cooperation and capacity-building in the field of human rights and on the human rights of older persons,

Bearing in mind the Political Declaration and the Madrid International Plan of Action on Ageing of 2002, and all other relevant General Assembly resolutions,

Underscoring that international human rights treaties prohibit discrimination on, inter alia, the basis of age, and that national legislation should adhere to the State's international obligations,

Recalling that the 2030 Agenda for Sustainable Development stresses the need to ensure that no one is left behind, including older persons, and in this regard recognizing the essential contribution that older men and women make to the functioning of societies and to the achievement of the 2030 Agenda,

Noting with appreciation the contributions of international human rights bodies and mechanisms, including the treaty bodies, and the Human Rights Council and its mechanisms, such as the special procedures and the universal periodic review, in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations,

Recognizing that older persons face a number of particular challenges in the enjoyment of their human rights that need to be addressed urgently, including in the areas of prevention of and protection against violence and abuse, social protection, food and housing, the right to work, equality and non-discrimination, access to justice, education, training, health support, long-term and palliative care, lifelong learning, participation and accessibility, and recognizing also that the discrimination older women experience is often multidimensional, with age discrimination compounding other forms of discrimination, and that technical cooperation and capacity-building, including through regional cooperation, can support and enhance States' efforts to address these challenges and to promote active and healthy ageing,

Emphasizing the importance of promoting inclusive, age-friendly communities and environments and of providing a range of support services that promote the dignity, autonomy and independence of older persons, to enable older persons to age in place, with due regard to individual preferences,

Emphasizing also that consultation with and the meaningful and effective participation of older persons and their organizations are essential in the formulation and adoption of legislation and policies, in particular those relating to their specific needs and concerns,

Acknowledging that States are encouraged to enhance their capacity to more effectively collect data, statistics and qualitative information, disaggregated when necessary by relevant factors, in order to improve assessment of the situation of older persons,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

Appreciating the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in supporting States in developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, including those pertaining to the rights of older persons, which have contributed to tangible improvements in the situation of human rights on the ground,

Noting with appreciation the contributions of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

Welcoming the work, and taking note with appreciation of the reports,[1] of the Independent Expert on the enjoyment of all human rights by older persons, whose mandate includes, inter alia, conducting, facilitating and supporting the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of older persons, and acknowledging the work of the Open-ended Working Group on Ageing,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for Members and observers of the Human Rights Council to share their visions and views to promote more effective technical cooperation and capacity-building in the field of human rights, and to share concrete experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, and of accepted universal periodic review recommendations, and their achievements and good practices in this area;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and the consent of the States concerned, and should take into account their needs, and the fact that all human rights are universal, indivisible, interdependent and interrelated and aim to make a concrete impact on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights, including the human rights of older persons;

4. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society;

5. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building in the field of human rights, and encourages States to continue to make contributions to these funds, especially those who have not yet done so;

6. *Welcomes* the panel discussion held pursuant to its resolution 36/28 of 29 September 2017 at its thirty-eighth session on the theme "Human rights and the Sustainable Development Goals: enhancing human rights technical cooperation and capacity-building to contribute to the effective and inclusive implementation of the 2030 Agenda for Sustainable Development", at which participants discussed the mutually reinforcing linkages between human rights and the Sustainable Development Goals, the role of the human rights treaty bodies in consolidating this two-way interaction, the need to maximize impact on the ground and ensure policy coherence at the national level, the need for capacity-building in the area of national statistical systems, and the importance of multi-stakeholder partnerships among Governments, United Nations country teams and agencies, national human rights institutions and civil society;

7. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme of the annual thematic panel discussion under agenda item 10, to be held during its forty-first session, will be "Technical cooperation and capacity-building in the field of the human rights of older persons";

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, to be submitted to the Human Rights Council at its forty-first session to serve as a basis for the panel discussion, on the activities undertaken by the Office and relevant United Nations country teams and agencies, and regional organizations to support States' efforts to promote and protect the human rights of older persons and their autonomy and independence, and address implementation gaps in national legislation, policies and programmes, including where applicable those relating to the Sustainable Development Goals, income security, the promotion of active and healthy ageing, the use of assistive technology, access to information and lifelong learning, combating all forms of

[1] A/HRC/39/50 and Adds.1–2.

discrimination against older persons, paying particular attention to older women and supporting the full integration of older persons in society and access to care, health and support services for older persons in their communities;

9. *Calls upon* States, international human rights bodies and mechanisms, relevant international organizations, national human rights institutions and civil society to share best practices and to make use of the ideas and issues raised in the panel discussion to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts in the promotion and protection of the human rights, including the rights of older persons.

41st meeting
28 September 2018

[Adopted without a vote.]

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10–28 September 2018
Agenda item 10

Resolution adopted by the Human Rights Council on 28 September 2018

39/19. Technical assistance and capacity-building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014, 30/19 of 2 October 2015, 33/27 of 30 September 2016 and 36/25 of 29 September 2017,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) of 10 April 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016, 2301 (2016) of 26 July 2016, 2339 (2017) of 27 January 2017, 2387 (2017) of 15 November 2017 and 2399 (2018) of 30 January 2018,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African instruments on human rights to which they are parties,

Recalling that the authorities of the Central African Republic have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Welcoming the holding of popular consultations and the Bangui Forum on National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main actors in the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

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Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015, the holding of legislative and presidential elections in December 2015 and February and March 2016 and the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Welcoming further the adoption of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map on 17 July 2017 in Libreville, and the appointment of a panel of facilitators to implement it, and stressing the need for an inclusive dialogue, in keeping with the recommendations of the Bangui Forum on National Reconciliation,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Deeply concerned at the worsening security situation in the Central African Republic as a result of the advance of armed groups across most of the territory, and condemning in particular the acts of violence that continue to be committed by armed groups, in Bangui and elsewhere in the country, against civilians, United Nations peacekeepers and humanitarian actors, as well as violations of international humanitarian law and human rights violations, including those committed against children and sexual and gender-based violence in times of conflict, which have led to an unacceptable number of deaths, injuries, displaced persons and refugees,

Deeply concerned also at the increasing use of messages of hatred and incitement to violence that would aggravate discrimination and social stigmatization, while welcoming the adoption in June 2018 of the National Plan for the Prevention of Incitement to Discrimination, Hatred and Violence and advocating the full implementation of the Plan,

Deeply concerned further at the surge in attacks on humanitarian personnel and humanitarian facilities in a context which has not been improved by the increased number of displaced persons and the continuing high numbers of refugees, and at the fact that half of the country's population, or some 2.5 million Central Africans, continues to need humanitarian assistance to survive,

Noting the implementation of the humanitarian response plan for 2017–2019 and concerned about the growing humanitarian needs of the Central African Republic, in particular those of persons with disabilities and the needs of victims for psychotherapeutic support,

Recalling the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary return of displaced persons and refugees and to ensure that their return is sustainable,

Noting the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, such as the donor conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015 and several high-level meetings held on humanitarian action in the Central African Republic, such as the African Union Solidarity Conference for the Central African Republic, held in Addis Ababa in February 2017,

Welcoming the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during that conference, and encouraging Member States to swiftly disburse those pledges,

Deeply concerned at the violations and abuses of human rights and of international humanitarian law, including those involving summary executions, extrajudicial killings, arbitrary arrests and detention, enforced disappearance, the recruitment and use of children, rape and other forms of sexual violence, torture, looting, the unlawful destruction of property and other serious violations and abuses of international human rights law and international humanitarian law,

Emphasizing that those who engage in or provide support for acts that undermine the peace, stability or security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers and incite others to violence, particularly on ethnic or religious grounds, must be held responsible for their acts,

Welcoming the efforts of the African-led International Support Mission in the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the European Union Military Advisory Mission in the Central African Republic, and the non-operational and operational military training missions for the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international law, particularly international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, recalling that an in-depth investigation should be launched into the allegations and that those responsible for such acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and the signing on 3 September 2018 of the protocol on information-sharing and reporting of sexual exploitation and abuse,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for the perpetrators of such violations and abuses, and the need to bolster national mechanisms to ensure accountability of perpetrators,

Stressing also the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and noting the decisions of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic and, on 24 September 2014, to launch an investigation, following the requests made by the transitional authorities,

Welcoming also the steps taken by the Government to operationalize the Special Criminal Court, such as the adoption of the rules of evidence and procedure and the provision of temporary premises for staff of the Court, and encouraging the international community to continue to support the Special Criminal Court in the long term,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights abuses in the Central African Republic concluded that the main parties to the conflict had committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,

Stressing the importance of pursuing investigations into allegations of violations of international humanitarian law and violations and abuses of international human rights law to complement the work of the international commission of inquiry and the report on the Mapping exercise documenting serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015 prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Office of the United Nations High Commissioner for Human Rights,

1. *Strongly condemns* all abuses and violations of human rights and violations of international humanitarian law, including killings, acts of torture and inhuman and degrading treatment, sexual violence, abductions, arbitrary arrests and deprivation of liberty, extortion and looting, the recruitment and use of children, the occupation of schools and attacks on them, the injured and the sick, medical personnel, health centres and medical vehicles, as well as the denial of humanitarian assistance, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, against humanitarian workers and supplies and against United Nations staff;

3. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict adherence to all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

4. *Expresses deep concern* about the humanitarian situation, stresses that insecurity and the lack of funding are hampering the delivery of humanitarian assistance, and calls upon the international community to offer greater support for humanitarian efforts in the country;

5. *Calls upon* the Government, political and religious leaders and civil society organizations to undertake coordinated public action to prevent incitement to violence, including on ethnic and religious grounds, and recalls that individuals or entities who incite violence could be sanctioned by the Security Council;

6. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in the Central African Republic and of the recommendations contained therein;[1]

7. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

8. *Calls upon* the authorities to support the National Observatory for Gender Parity;

9. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement a proactive and robust approach to the protection of civilians, as enshrined in its mandate, and also encourages it to lend the necessary assistance to the authorities of the Central African Republic so that the Special Criminal Court can begin its work without delay;

10. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures in order to ensure full respect for the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and calls upon troop-contributing countries and international forces under the mandate of the Security Council to take appropriate measures to prevent any and all acts of sexual exploitation and abuse and to prevent impunity among their personnel in order to ensure justice for victims;

11. *Calls upon* the authorities of the Central African Republic, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary

[1] A/HRC/39/70

for the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

12. *Deplores* the increasing recruitment and use of children by armed groups as combatants, human shields, domestic workers or sex slaves, as well as the increasing number of child abductions, urges armed groups to release children from their ranks and to put an end to and prevent future recruitment and use of children, and, in this regard, calls on them to honour the commitments assumed by several of them on 5 May 2015;

13. *Welcomes* the ratification by the Central African Republic in 2017 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, encourages the continuing efforts of the Government to protect children through the adoption and effective implementation of legislation prohibiting the recruitment and use of children in armed conflict, and encourages the Government to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;

14. *Urges* all parties to protect and to regard as victims those children who have been released or otherwise separated from the armed forces and armed groups, and emphasizes the need to protect, release and reintegrate all children associated with the armed forces and armed groups and to implement rehabilitation and reintegration programmes that take into account the specific needs of girls;

15. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary steps to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

16. *Notes* the decision of the authorities of the Central African Republic in June 2014 to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction, and welcomes in that regard the opening in September 2014 of an investigation by the Court essentially into war crimes and crimes against humanity committed since 1 August 2012;

17. *Welcomes* the efforts by the authorities of the Central African Republic to establish within the national judicial system the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government to take all the measures necessary to ensure the effective implementation and operational capability of the Court and the opening of proceedings as soon as possible, with support from the international community, and to cooperate with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

18. *Takes note* of the efforts made by the authorities of the Central African Republic and underscores the urgent need to effectively redeploy judges throughout the country, to revitalize the judicial services, to implement the national strategy for the protection of victims and witnesses involved in judicial proceedings, and to establish appropriate reparation programmes to provide victims of violations and their families with material and symbolic reparation, at both the individual and collective level;

19. *Welcomes* the efforts by the authorities of the Central African Republic to hold criminal hearings in the Assize Court and requests them to continue strengthening the judiciary and combating impunity in order to contribute to stabilization and reconciliation, and stresses the urgent need to restore the administration of justice and strengthen the criminal justice system and the penitentiary system such that judicial authorities are effectively present throughout the country, while ensuring that everyone has access to fair and impartial justice;

20. *Takes note* of the efforts by the authorities of the Central African Republic to re-establish the effective authority of the State over the entire country, by pursuing the fight against corruption and redeploying the State administration, in particular the judiciary, in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance, and requests the authorities to support those efforts by ensuring that the redeployed authorities have sufficient resources;

21. *Calls upon* the authorities of the Central African Republic to implement the reform of the security sector in order to establish multi-ethnic, professional, representative and well-equipped national defence and internal security forces, and stresses the need for these forces to respect the principles of accountability and the rule of law so as to win and cultivate the trust of local communities, including the preliminary verification procedures relating to human rights conducted by the defence and security forces;

22. *Welcomes* the good cooperation between the authorities of the Central African Republic and international partners, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union military training mission in the Central African Republic, with a view to the gradual and sustainable redeployment of the Central African armed forces and the internal security forces trained by the European Union military training mission in the Central African Republic and other international partners, in the wider context of extending the authority of the State and consolidating security, and invites the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to continue to apply a policy of due diligence in the field of human rights so as to ensure oversight and accountability in relation to the conduct of the national security forces;

23. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the authorities of the Central African Republic in rolling out the above-mentioned reforms and re-establishing the authority of the State throughout the territory, while expanding the role of the Economic Community of Central African States in peace efforts and cross-border issues, including the seasonal migration of animals;

24. *Calls upon* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, welcomes the progress made towards establishing a truth, justice, reparation and reconciliation commission, and calls upon the authorities to continue on this path;

25. *Urges* the authorities of the Central African Republic to define in an inclusive manner, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, a comprehensive road map for transitional justice, and encourages the authorities to identify pilot areas to develop local strategies for transitional justice;

26. *Stresses* the need to involve all sectors of Central African civil society and to promote the full and effective participation of women and young people in the dialogue between the authorities of the Central African Republic and the armed groups within the framework of the African Initiative for Peace and Reconciliation in the Central African Republic and its road map, which is the main framework for a political solution in the Central African Republic, as well as the need to coordinate the peace process with transitional justice in order to facilitate national reconciliation;

27. *Remains deeply concerned* by the extent of conflict-related sexual violence, in particular against women and girls recruited by armed groups, and encourages the national authorities and the Special Criminal Court to protect victims and boost their empowerment, and to bring all alleged perpetrators of such crimes to justice;

28. *Remains concerned* by the surge in the number of children recruited by armed groups, calls for the establishment and implementation of social reintegration and psychological support programmes for minors who are victims of the six most serious violations suffered by children in armed conflict, encourages greater advocacy to improve the protection of children in armed conflict, including by taking account of the specific

needs of girls, and urges the authorities and armed groups to end and prevent such serious violations and abuses of their rights;

29. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to help the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

30. *Calls upon* the national authorities to continue their efforts to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

31. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgent needs and priorities identified by the Central African Republic, in particular financial and technical support and funding for the treatment of people traumatized by the crisis;

32. *Requests* all parties to authorize and facilitate rapid and unhindered access for humanitarian aid and humanitarian workers to the entire national territory, including by strengthening security on the roads;

33. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, the international financial institutions and other international organizations concerned and donors to provide the Central African Republic with technical assistance and support for capacity-building with a view to promoting respect for human rights and undertaking reform of the justice and security sectors;

34. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

35. *Decides* to renew, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

36. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

37. *Decides* to organize, at its fortieth session, a high-level interactive dialogue to assess the evolution of the human rights situation on the ground, placing special emphasis on the participation of civil society, especially women's organizations and representatives of victims, in the peace and reconciliation process, with the participation of the Independent Expert and representatives of the Government of the Central African Republic, the United Nations, the African Union and civil society;

38. *Requests* the Independent Expert to work closely with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and United Nations bodies, particularly in the area of transitional justice;

39. *Also requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

40. *Further requests* the Independent Expert to work closely with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict;

41. *Requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its forty-first session and to submit a written report to the Council at its forty-second session;

42. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the financial and human resources necessary to enable her to carry out fully her mandate;

43. *Decides* to remain seized of the matter.

41st meeting
28 September 2018

[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 28 September 2018

39/20. Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, and to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014, 30/26 of 2 October 2015, 33/29 of 30 September 2016, 35/33 of 23 June 2017 and 36/30 of 29 September 2017, in which the Human Rights Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,[1] submitted to the Human Rights Council in accordance with its resolution 36/30,

Taking note also of the joint communiqué issued by members of the United Nations Security Council and the African Union Peace and Security Council of 19 July 2018, in which they reiterated that effective, swift and sincere implementation of the agreement of 31 December 2016, including confidence-building measures and respect for fundamental rights and the electoral timeline, were essential for a peaceful and credible electoral process, a democratic transition of power, and the peace and stability of the Democratic Republic of the Congo,

[1] A/HRC/39/42.

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Noting the progress made by the armed forces of the Democratic Republic of the Congo in preventing and ending the recruitment and use of children, which has resulted in its removal from the list for this violation contained in the annual report of the Special Representative of the Secretary-General for Children and Armed Conflict,[2]

Noting with concern the report published on 19 March 2018 by the Office of the United Nations High Commissioner for Human Rights and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, which documented killings and other serious human rights violations owing to the excessive use of force against protest movements between January 2017 and January 2018,

Deeply concerned about the violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important electoral events,

Expressing its concern at the number of cases of rape and other forms of conflict-related sexual violence perpetrated against women and children,

Welcoming the report of the Joint Commission of Inquiry established by the authorities of the Democratic Republic of the Congo to investigate allegations of violations and abuses committed on 31 December 2017 and 21 January 2018,

Deeply concerned about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to a significant increase in the number of internally displaced persons and persons in need for humanitarian assistance,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and abuses and in improving the situation of human rights in the country,

Noting the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States, aimed at contributing to peace and stability in the Democratic Republic of the Congo,

Noting also, on the one hand, the progress made in the fight against impunity for perpetrators of sexual violence and in victims' access to justice for the reparation of harm suffered, including through the establishment, by the Office of the Personal Representative of the Head of State tasked with fighting against sexual violence and the recruitment of children, of a helpline for victims of sexual violence, which contributes to the fight against impunity, and, on the other hand, the adoption by the Government of a plan of action for the national police to fight against sexual violence and to ensure the protection of children,

Noting further the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

Welcoming the progress made by the Democratic Republic of the Congo in advancing the electoral process with a view to holding the legislative and presidential elections in December 2018,

1. *Condemns* unequivocally all acts of violence, especially in conflict-affected areas of the country, and all perpetrators, and urges all stakeholders to reject any kind of violence, to exercise maximum restraint in their actions in order to avoid further inflaming the situation, and to settle their disputes peacefully;

2. *Notes with satisfaction* the efforts made by the Government of the Democratic Republic of the Congo to bring perpetrators to justice, and welcomes the convictions already pronounced;

[2] A/HRC/37/47.

3. *Notes* the resumption, since 27 August 2018, of the trial of the alleged killers of two United Nations experts and the persons accompanying them in March 2017;

4. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and urges all stakeholders to reject any form of violence;

5. *Encourages* the Government of the Democratic Republic of the Congo to respect the rule of law and to continue its efforts to respect, protect and ensure the enjoyment of human rights and fundamental freedoms by all, in accordance with the international obligations of States;

6. *Recalls* that the primary responsibility to protect all civilians within its territory lies with the Government of the Democratic Republic of the Congo, and urges it to exercise maximum restraint and use proportionate and lawful force in its efforts to restore order, in accordance with international law;

7. *Commends* the Democratic Republic of the Congo for the accreditation of its National Human Rights Commission with category A status, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

8. *Notes with appreciation* the progressive operationalization of the National Human Rights Commission, the adoption of its five-year strategic plan and the release of its first annual report, and calls upon the Government to ensure that the Commission is independent, including with regard to its funding, so as to ensure full compliance with the Paris Principles;

9. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States, including strict respect for the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

10. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence on its territory, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, within its mandate, and to cooperate fully with the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004), including to allow complete and unhindered access to the country;

11. *Also encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave human rights violations and abuses, and violations of international humanitarian law, and to ensure that victims of such violations, abuses and related crimes receive adequate reparations;

12. *Commends with appreciation* the fulfilment of the commitment made by President Joseph Kabila to abide by the Constitution and laws of the Democratic Republic of the Congo regarding the holding of elections;

13. *Welcomes* the positive developments in the electoral process in the Democratic Republic of the Congo, and in this regard notes the significant progress made by the Independent National Electoral Commission, including the revision of the electoral register and its audit by the International Organization of la Francophonie, the opening of offices for filing and processing candidatures and subsequent registration of candidatures for the legislative and presidential elections, the publication, on 24 August 2018, of the provisional lists of candidates for the presidential and legislative elections and the publication of the final lists of candidates in these various elections;

14. *Urges* the Independent National Electoral Commission to carry through the steps that remain up to the actual holding of the elections;

15. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

16. *Also welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial commission to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation of its five-year (2016–2021) plan for the protection of the rights of persons with disabilities, adopted on 20 and 21 May 2016;

17. *Underlines* the centrality of the agreement of 31 December 2016 and the necessity of its full implementation, to pave the way for the timely holding of elections in the Democratic Republic of the Congo, and urges Congolese stakeholders to redouble their efforts to prepare for the timely holding of free, fair, peaceful and credible presidential and legislative elections, in accordance with the provisions of the agreement of 31 December 2016, and in parallel to take additional confidence-building measures, in accordance with the agreement, in order to create an environment conducive to the completion of the electoral process;

18. *Welcomes* the enactment, on 10 March 2017, of the law amending the Code of Military Justice for the implementation of the Rome Statute of the International Criminal Court, and notes the validation, in May 2017, of the justice reform plan, prepared in accordance with the recommendations made at the conference convened in 2015 on the development of justice sector reform;

19. *Stresses* the need to release all persons improperly detained, including human rights defenders, and to grant the United Nations Joint Human Rights Office access to the centres under the responsibility of the National Intelligence Agency;

20. *Requests* all stakeholders in the electoral process to refrain from all forms of violence and any discourse inciting racial, tribal or ethnic hatred;

21. *Encourages* the Government of the Democratic Republic of the Congo to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and fully enjoy human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly;

22. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken within the framework of the amendments to the Family Code and the law on the parity of men and women;

23. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators are brought to justice;

24. *Encourages* the Interministerial Commission to continue its monitoring of the implementation of the Convention on the Rights of Persons with Disabilities;

25. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office, and the Human Rights Council and its special procedures;

26. *Also encourages* the Government to maintain and strengthen its efforts to pursue the reform of the security sector and of the judicial system, including by establishing the remaining superior courts of appeal, and to reform and strengthen its penitentiary system;

27. *Further encourages* the Government to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the Human Rights Liaison Unit, the National Human Rights Commission, the Interministerial Committee on Human Rights, the National Commission for the Universal Periodic Review and the Unit for the Protection of Human Rights Defenders;

28. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

29. *Requests* the United Nations High Commissioner for Human Rights to present to the Human Rights Council, in an enhanced interactive dialogue, an oral update on the situation of human rights in the Democratic Republic of the Congo at its forty-first session;

30. *Also requests* the High Commissioner to prepare a report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of 23 December 2018, and to submit it to the Human Rights Council, within the framework of an enhanced interactive dialogue, at its fortieth session, and to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo, and to submit it to the Council, within the framework of an enhanced interactive dialogue, at its forty-second session;

31. *Decides* to remain seized of the situation until its forty-second session.

41st meeting
28 September 2018

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39/21. Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015, 33/16 of 29 September 2016 and 36/31 of 29 September 2017,

Emphasizing Security Council resolution 2216 (2015) of 14 April 2015,

Reiterating its strong support for the efforts of the Secretary-General and the Special Envoy of the Secretary-General for Yemen to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions, while welcoming in this regard the positive engagement of the Government of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for Yemen,

Welcoming the acceptance by Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the fulfilment of the recommendations made in the outcome document of the National Dialogue Conference and to complete the drafting of a new constitution,

Taking note with appreciation of Presidential Decree No. 50 of 23 August 2017, in which the mandate of the National Commission of Inquiry was extended for a period of two years, with a view to investigating all human rights violations since 2011,

Aware of reports by the Office for the Coordination of Humanitarian Affairs indicating that the existing humanitarian emergency affects the enjoyment of social and economic rights, and that the parties to the conflict must ensure that humanitarian aid is facilitated and not hindered,

Noting the work carried out by the Joint Incidents Assessment Team,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen and the findings of the Group of Eminent International and Regional Experts[1] established by the Human Rights Council in its resolution 36/31;

2. *Takes note with interest* of the statement and comments by the Government of Yemen on the report of the High Commissioner;

3. *Welcomes* the cooperation between the Government of Yemen and the Office of the High Commissioner and other relevant United Nations bodies and mechanisms;

4. *Takes note with appreciation* of the fifth report of the National Commission of Inquiry;

5. *Expresses deep concern* at the serious abuses and violations of international human rights law and international humanitarian law in Yemen committed by all parties to the conflict, including the continued recruitment of children contrary to international treaties, the abduction of political activists, violations against journalists, the killing of civilians, the prevention of access for relief and humanitarian aid, the cutting of electricity and water supplies and attacks against hospitals and ambulances;

6. *Calls upon* all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law to stop immediately attacks on civilians and to ensure humanitarian access to the affected population nationwide;

7. *Expresses deep concern* at all attacks against civilian objectives, in violation of international humanitarian law, and recalls the obligations by all parties to the conflict to take all necessary precautions to avoid and in any event to minimize harm to civilians and civilian objects, such as schools, markets and medical facilities, and the prohibition on attacking or destroying infrastructure and provisions that are indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs;

8. *Urges* the Government of Yemen to take measures to protect civilians, and to take appropriate measures with a view to ending impunity for all cases involving violations and abuses of human rights and international humanitarian law, including cases of violence against journalists and the detention of journalists and political activists;

9. *Requests* all parties to the conflict in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to the conflict to reach a comprehensive agreement to end the conflict while ensuring that women are part of the political and peacemaking process;

10. *Demands* that all parties to the conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to the conflict to cooperate with the United Nations for their reintegration into their communities;

11. *Reiterates* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial

[1] A/HRC/39/43.

Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

12. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that situation and for their commitment to provide financial support for the Yemen humanitarian response plan for 2018 and to fulfil their pledges to the relevant United Nations humanitarian appeal;

13. *Reaffirms* the responsibilities of all parties to the conflict to enable the immediate and unhindered delivery of humanitarian assistance to all those who are in need, in accordance of the principles of international human rights law and international humanitarian law;

14. *Invites* all bodies of the United Nations system, including the Office of the High Commissioner, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

15. *Requests* the High Commissioner to continue to provide substantive capacity-building and technical assistance to the Government of Yemen and technical support to the National Commission of Inquiry to ensure that the National Commission continues to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen, and in line with international standards, and submits its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. 50 of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission;

16. *Also requests* the High Commissioner to present a written report on the implementation of technical assistance, as stipulated in the present resolution, to the Human Rights Council at its forty-second session.

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39/22. Technical assistance and capacity-building to improve human rights in the Sudan

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further Human Rights Council resolution 36/26 of 29 September 2017,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights,

Welcoming the humanitarian policies of the Government of the Sudan, which seek to facilitate and accelerate unhindered humanitarian access, while encouraging the Government to protect and provide humanitarian assistance to populations in need, and encouraging the Government also to intensify its endeavours to continue its commitment to address humanitarian needs in conflict-affected areas,

Welcoming also the positive and constructive engagement of the Government of the Sudan with United Nations agencies and the Special Representative of the Secretary-General for Children and Armed Conflict, which has resulted in the delisting of the Government from the recruitment and use of children following the completion of its action plan with the United Nations,

Welcoming further the hosting by the Government of the Sudan of peace negotiations between the Government of South Sudan and opposition movements under the auspices of the Intergovernmental Authority on Development, and commending the mediation role played by the Government of the Sudan in the negotiations process, which culminated in the signing of a peace agreement on 5 August 2018,

1. *Welcomes* the work of the Independent Expert on the situation of human rights in the Sudan;

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2. *Takes note* of the report of the Independent Expert submitted to the Human Rights Council at its thirty-ninth session,[1] and of the comments of the Government of the Sudan thereon;[2]

3. *Notes with appreciation* the cooperation of the Government of the Sudan with the Independent Expert to enable him to fulfil his mandate, and the Government's stated commitment to continue that cooperation;

4. *Requests* the Independent Expert to work with all relevant partners to provide technical assistance and capacity-building to relevant entities of the Government of the Sudan, national agencies and other stakeholders;

5. *Notes with appreciation* the outcomes to date of the ongoing national dialogue in the Sudan and implementation to date with a view to achieving sustainable peace, encourages the inclusive participation of all Sudanese stakeholders, and encourages all stakeholders to ensure an environment conducive to inclusive, transparent and credible dialogue;

6. *Commends* the Government of the Sudan for the extension of the unilateral declaration of cessation of hostilities, and calls upon remaining armed groups to declare an unconditional cessation of hostilities and to negotiate in good faith to achieve a permanent ceasefire;

7. *Commends* the hosting by the Sudan of more than one million refugees from neighbouring countries and other countries in the region, and the opening of five humanitarian corridors to provide life-saving interventions to those affected by conflict;

8. *Notes with appreciation* the continued efforts of the Government of the Sudan to implement the universal periodic review recommendations it has accepted, and encourages the Government to continue its cooperation with the review process, including further implementation of accepted recommendations;

9. *Also notes with appreciation* positive developments, such as the appointment of the Chairperson, Deputy Chairperson and Commissioners of the Sudan National Commission for Human Rights in April 2018, the efforts of the Government of the Sudan to combat human trafficking and smuggling and its continuous engagement and cooperation with different partners in these fields, the steps it has taken in the campaign on small arms control with the aim of ensuring security and the rule of law, and its completion of the action plan for the protection of children from violations in armed conflict;

10. *Acknowledges* the observations made by the Independent Expert in his report, urges the Government of the Sudan to ensure respect for the human rights of all individuals, and expresses concern about reported incidents of harassment, arbitrary arrest and prolonged detention, including of students, journalists, human rights defenders and members of civil society organizations, the increased number of seizures and censorship of newspapers, as well as other restrictions on the rights to freedom of expression, association and peaceful assembly, while urging the Government to respect its constitutional and international obligations and commitments and to safeguard freedom of religion or belief;

11. *Welcomes* the efforts of the Government of the Sudan to investigate alleged human rights abuses and violations by all parties, and encourages its efforts to hold perpetrators to account as its foremost priority, while noting the view that bringing all government agencies and offices into line with the State's international human rights obligations and commitments can improve the human rights environment in the Sudan;

12. *Also welcomes* the improvements in security in areas of conflict in the Sudan, encourages all sides to build on these developments, urges the Government of Sudan to address alleged violations or abuses of human rights in conflict zones, including those involving sexual and gender-based violence, and urges all parties to protect civilians and to pursue peace;

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[1] A/HRC/39/71.

[2] A/HRC/39/71/Add.1.

13. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to support the efforts of the Government of the Sudan in accordance with the present resolution with a view to further improving the situation of human rights in the country and by responding to the Government's requests for technical assistance and capacity-building;

14. *Requests* the Office of the High Commissioner, taking into account, inter alia, the recommendations of the Independent Expert, to provide technical assistance and capacity-building in ways to improve the situation of human rights in the country and with a view to providing support for the country to fulfil its human rights obligations and commitments;

15. *Decides* to renew the mandate of the Independent Expert for a period of one year or until the provisions of paragraph 19 below take effect, whichever is earlier;

16. *Requests* the Independent Expert to present a report on the implementation of his mandate, including recommendations on technical assistance and capacity-building, to the Human Rights Council for consideration at its forty-second session;

17. *Calls upon* the Government of the Sudan to continue its full cooperation with the Independent Expert, to continue to permit effective access to visit all areas of the country, and to meet with all relevant actors;

18. *Requests* the Office of the High Commissioner to provide the Independent Expert with all the financial and human resources necessary for the implementation of the mandate;

19. *Decides* that the termination of the mandate of the Independent Expert will take effect on the day that a country office of the Office of the High Commissioner, in accordance with General Assembly resolution 48/141 of 20 December 1993, is declared operational by the Office of the High Commissioner and the Government of the Sudan;

20. *Requests* the Government of the Sudan and the Office of the High Commissioner to engage constructively to agree on the modalities and mandate for the establishment of a country office no later than September 2019;

21. *Requests* the Secretary-General to provide the Office of the High Commissioner with all the necessary resources to implement the present resolution;

22. *Requests* the Government of the Sudan and the Office of the High Commissioner to present their oral reports on progress towards the opening of a country office during an enhanced interactive dialogue at the forty-first session of the Human Rights Council;

23. *Decides* to consider this issue under agenda item 10.

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39/23. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia and that enhancing the legal framework, human rights protection systems and the capacity and legitimacy of institutions is essential to help to combat impunity and to improve accountability for human rights violations and to encourage reconciliation,

Recognizing also the need for all authorities engaged in security to uphold international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal Member State levels, and in that regard welcoming the Somalia Partnership Forums held in Mogadishu and Brussels, at which Somalia and international partners reaffirmed their commitment to the New Partnership for Somalia, which sets out the terms of international support for Somali priorities, including on human rights, and the Security Pact to provide Somali-led security and protection in accordance with international humanitarian law and international human rights law, as appropriate,

Recognizing the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the commitments of the Mission and the Intergovernmental Authority on Development are

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creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, the need to take special measures to protect women and girls from gender-based violence and all other forms of violence in situations of armed conflict, to end impunity and prosecute those responsible for violence against women and girls, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and at all levels of government, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve the situation of human rights in Somalia, and in that regard also welcomes:

(a) The progressive improvement in the human rights context in Somalia, not least through progress towards the ambitious goals set out in the New Partnership for Somalia and the National Development Framework of Somalia to promote stability and development with respect for human rights by, inter alia, strengthening the rule of law, promoting inclusivity in political decision-making, particularly for women, young persons, minorities and persons with disabilities, delivering a constitutional settlement that guarantees freedoms of expression and association, and addressing security threats in a manner that respects human rights obligations and protects civilians;

(b) The landmark political agreement between the Federal Government and federal Member States, which paves the way for the drafting, consultation and passage of an electoral law by December 2018 as a first step towards realizing historic one-person, one-vote elections in 2020 and, in particular, the commitment of the Federal Government, federal Member States and the National Independent Election Commission to protect inclusivity in terms of ensuring equal participation and representation of women in decision-making, as well as of displaced persons, young persons, persons with disabilities, minorities and all members of disadvantaged groups, at all stages of the electoral cycle;

(c) The cooperation between representatives of the Federal Government and federal Member States, youth groups, women, civil society organizations, professional associations, religious scholars, members of the Somali diaspora, persons with disabilities and traditional elders convention in May 2018 to launch the constitutional review process in Mogadishu, recognizing the importance of an inclusive and Somali-led process that delivers a political settlement supporting ongoing efforts in peace, development and the enjoyment of all human rights in Somalia;

(d) The formulation of the transition plan, which defines transition as the emergence of effective Somali security institutions and the progressive handover of responsibility from the African Union Mission in Somalia towards increased Somali ownership for its citizens' security, appreciating, in particular, that this approach is underpinned by a focus on the rule of law, reconciliation, justice, respect for human rights and the protection of women and girls, and children;

(e) The continued commitment of the Federal Government, federal Member States and the Banadir Regional Authority to improve representation, inclusion and the participation of women in public and political affairs and, in particular, in leadership roles;

(f) The Federal Government's endorsement of the Charter for Change at the Global Disability Summit in July 2018, and its commitment to entrench the rights of persons with disabilities in social, educational, political and economic life through the first-ever bill on national disability for Somalia and other legislative mechanisms, improving the collection of data on persons with disabilities and by approving the creation of a national disability agency;

(g) The work undertaken by the Ministry for Women and Human Rights Development as the lead body of the Federal Government to advance the human rights agenda in Somalia, together with the progress in the establishment of a national human rights commission to monitor and provide accountability for violations and abuses,

including a recruitment process that guarantees the representation of women, marginalized groups and persons with disabilities;

(h) The development of and agreement on key policies and plans, including a post-transition human rights road map, a national gender policy and a national plan of action on eradicating sexual violence in conflict;

(i) Progress on key legislation, including the enactment of the child protection bill, progress towards the adoption of a bill on sexual offences and the implementation of a media law, through consultation with media organizations and civil societies, in order to provide a framework for upholding freedom of expression;

2. *Also welcomes* the continued commitment of the Federal Government to the universal periodic review process, and in this regard further welcomes its acceptance of the many recommendations made during the review and encourages their implementation;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end impunity, to uphold respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes;

4. *Expresses particular concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation;

5. *Also expresses particular concern* at the abuses and violations committed against children, emphasizes the need for accountability and justice for all such violations and abuses, including the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming, rape and other sexual and gender-based violence, abductions, and in the treatment of children recaptured from non-State armed groups, and also emphasizes the importance that such children be recognized as victims and the need to establish and implement rehabilitation and reintegration programmes, including by taking into account the specific needs of girls;

6. *Expresses concern* that internally displaced persons, including the most marginalized and vulnerable, which may include women, children and persons belonging to minority groups, are the most at risk of violence, abuse and violations;

7. *Also expresses concern* at the attacks against and harassment of human rights defenders and the media in Somalia, including journalists, especially in the form of arbitrary arrest or prolonged detention, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

8. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons in Somalia;

9. *Calls upon* the Federal Government, with the support of the international community:

(a) To continue progress towards settling outstanding constitutional issues and completing the constitutional review process in an inclusive manner that promotes the building of peace and the rule of law, protects the freedoms of expression and association and includes targeted provisions that enable and facilitate the advancement of women, children, young persons, persons with disabilities, minorities and all members of disadvantaged groups in the areas of access to justice, education, health, security and economic recovery;

(b) To secure constitutional provisions for the equal representation, participation and inclusion of women, particularly in leadership and decision-making roles in public and

elected offices and the civil service through the constitutional review and other ongoing political and legislative processes;

(c) To meet commitments to deliver legislation by December 2018 that will pave the way for historic one-person, one-vote elections in 2020, and to ensure that this and other measures promote the inclusivity of these elections, particularly by ensuring the equal participation and representation of women in decision-making and in leadership positions, as well as of internally displaced persons, young persons, persons with disabilities, minorities and all members of disadvantaged groups at all stages of the electoral cycle;

(d) To realize commitments to security sector reform, including by ensuring the active participation of women in the implementation of the national security architecture, to ensure that Somali security forces and institutions comply with applicable national and international law, together with international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and the strengthening of internal and external accountability of all relevant security forces and institutions;

(e) To continue measures to implement the plans of action to prevent the unlawful recruitment and use of children in the national armed forces, and to work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers and children under 18 years of age used in armed conflict are treated as victims and rehabilitated in accordance with international standards;

(f) To realize commitments to ending the prevailing culture of impunity, to hold accountable those who commit human rights violations and abuses, ensuring prompt, independent, impartial, thorough and effective investigations into human rights violations by urgently concluding the establishment of a resourced and independent national human rights commission and by reforming State and traditional justice mechanisms to increase the representation of women in the judiciary, and to improve access to justice for women and children;

(g) To prioritize the enactment of legislation and undertake reforms that respect, protect and promote women's and girls' full enjoyment of all human rights and to allow for the response to and the prevention and elimination of all forms of violence and discrimination against women and girls, including by adopting a zero-tolerance approach to sexual and gender-based violence, child, early and forced marriage and all forms of female genital mutilation, ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are held to account, regardless of their status or rank;

(h) To meet commitments to complete the national reconciliation plan by the end of 2018 in order to promote reconciliation and dialogue at the federal, federal Member State and subnational levels, while recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(i) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministry for Women and Human Rights Development at the federal and State levels, the judiciary, the police and correctional services;

(j) To implement fully the media protection law, to protect and uphold freedom of expression and a free media, to create a safe and enabling environment in which journalists and human rights defenders can operate free from hindrance and insecurity, to continue efforts to prohibit, prevent and protect against all kidnappings, killings, attacks, acts of intimidation and harassment of journalists, to initiate timely, effective, impartial and transparent investigations into the killings of journalists, and to prosecute all those *responsible for unlawful* acts *in a manner* that is in accordance with the provisions in the media protection law and is consistent with *other applicable national and international* legal obligations;

(k) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Prevention and Punishment of the Crime of Genocide;

(l) To realize commitments made at the Global Disability Summit, particularly by enacting a national disability bill in accordance with the Convention on the Rights of Persons with Disabilities and in consultation with organizations of disabled persons, and by establishing a national disability agency;

(m) To finalize the review of and raise awareness about the new sexual offences bill, to ensure that any bill passed into law reflects international obligations and commitments on the protection of children, women and girls, and to implement it and other laws as necessary to prevent sexual and gender-based violence;

(n) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(o) To treat former combatants in accordance with applicable obligations under national and international law, in particular international human rights law and international humanitarian law;

(p) To implement the Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted in Nairobi on 25 March 2017;

(q) To promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practice for relocations, to provide sites that provide safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation;

(r) To ensure unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate full, rapid and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

10. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by national and international experts and the Federal Government, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

11. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

12. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;[1]

13. *Decides* to renew the mandate of the Independent Expert, under agenda item 10, for a period of one year to assess, monitor and report on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

14. *Requests* the Independent Expert to continue to work closely with the Federal Government at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, with the African Union, the Intergovernmental Authority on Development and other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

[1] See A/HRC/39/72.

(a) Its national and international human rights obligations;

(b) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;

(c) Recommendations accepted in the context of the universal periodic review;

(d) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and marginalized groups, freedom of expression and assembly, the protection of the media, access to justice for women, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

15. *Also requests* the Independent Expert to report to the Human Rights Council at its forty-second session and to the General Assembly at its seventy-fourth session;

16. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate fully;

17. *Decides* to remain actively seized of the matter.

41st meeting
28 September 2018

[Adopted without a vote.]